

Wilfred Carabajal 78025

Name

OCPF EC-3410 McGregor Range Rd

Address

Chaparral, NM 88081FILED  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

AUG 04 2016

MATTHEW J. DYKMAN

CLERK

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICOWilfred Carabajal, Plaintiff  
(Full Name)CASE NO. 16 cv 890 WJ/KK  
(To be supplied by the Clerk)

v.

Major Aragon, warden E. Bravo  
Associate Wardens R., Defendant(s)  
Ulibarri, J. Johnson, et alCIVIL RIGHTS COMPLAINT  
PURSUANT TO 42 U.S.C. §1983See full attached list

## A. JURISDICTION

1) Wilfred Carabajal, is a citizen of New Mexico  
(Plaintiff) (State)  
who presently resides at OCPF 10 McGregor Range Rd, Chaparral  
(Mailing address or place of confinement)  
New Mexico

2) Defendant Major Aragon is a citizen of  
(Name of first defendant)  
Santa Rosa, NM, and is employed as  
(City, State)  
Major. At the time the claim(s)  
(Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state law?

Yes ☒No ☐If your answer is "Yes", briefly explain: He was acting in his official capacity as supervisor of Security and it's believed that he was also acting in a personal capacity to harm Plaintiff personally

- 3) Defendant Warden E. Bravo is a citizen of  
 (Name of second defendant)  
Santa Rosa, NM, and is employed as  
 (City, State)  
Warden. At the time the claim(s)  
 (Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state.

Yes ☒ No ☐ If your answer is "Yes", briefly explain: *Warden Bravo, is the Executive Administrator of Guadalupe County Correctional Facility and is the Supervisor of Major Aragon. It is believed the majors actions are a direct order originating from his office or higher up the chain of command at the Geo Group, Inc Headquarters and New Mexico Corrections Department*

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.) *Article IV Section 2 states the citizens of each state shall be entitled to all privileges and immunities of the several states*

## B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

*Major Aragon came on HIB and threatened many inmates and caused four of those men to receive disciplinary reports for refusing to move into this dangerous situation, one man has evidence dating back to 2008. Much of the evidence is not being disclosed because Policy is not to release information to other prisoners*

## Defendant's Culpability

Defendant Associate Warden Ulibarri is a citizen of New Mexico

Asso. Warden Ulibarri, is in charge of reviewing all disciplinary actions. He is responsible for supervising, and the training of all officers (staff Members). He is responsible for compiling statistical data to be turned over to the NMCD in compliance with the contract. He should have been aware of the danger posed to the plaintiff and he is the supervisor responsible for Major Aragon's actions. His duties include informing NMCD when there is a security breach to include any violations of criminal law involving a felony. (Hate Crimes, Battery w/GBH, Assaults)

Defendant Associate Warden J. Johnson, is a citizen of New Mexico.

Ass. Warden J. Johnson is in charge and responsible for the security of the institution and is the immediate supervisor of Major Aragon and Major Morris.

His duties include calling local law enforcement authorities when a breach of security occurs, to include any incident involving five or more inmates, escape, or any violations of criminal law involving a felony.

Defendant Major G. Morris is a citizen of California but was a citizen of New Mexico when this matter occurred.

Major Morris has the same duties as the Associate Wardens and is

Defendant's Culpability

considered the acting warden when the wardens are not present at the institution

The Geo Group, Inc is a Foreign entity based in Boca Raton, Florida and is contracted to operate Guadalupe County Correction Facility and is the employer of all employees at the institution.

Guadalupe County is the property owner and is contracted with NMCD to provide prison services which they have subcontracted to the Geo Group, Inc.

( More Defendants will be listed as soon as individual owners are identified.)

Deputy Director of Adult Prison's Joe Booker is a citizen of New Mexico.

Deputy Dir. Booker is responsible for anything occurring at any prison institution involving New Mexico State Prisoners and is aware of any security issues involving the contracted facilities. He was aware of the lack of security concerning inmates in need of protective custody. He is tasked with ensuring laws, regulations, and policies are followed at the contracted facilities.

Secretary of Corrections Greg Marcantel is appointed by the New Mexico Governor.

Defendant Culpability

Mr. Secretary Marcantel's duties include the oversight of all actions involving the New Mexico Correction Department and is directly responsible for approving all contracts and money disbursements. He is also responsible for all policies. He is responsible for the health and welfare of all New Mexico state inmates and should have been aware of the immediate danger to the plaintiff.

Contract Monitor G. Chavez is a citizen of New Mexico

Ms. G. Chavez is responsible for onsite contract monitoring and compliance. She is responsible for ensuring policies are followed, critical security positions are filled and covered, reports are generated and forwarded to NMCD. She is the direct communication link between the Facility and NMCD.

The Attorney General's office is an entity of the New Mexico State Government. Mr. Gary King and Mr. Hector Balderas held or hold the position.

They have a responsibility for ensuring the laws of New Mexico are being enforced and is tasked with ensuring local District Attorney's offices are prosecuting and investigating known violations. They are made aware of any criminal activity in a prison involving a felony.

Guadalupe County District Attorney is a citizen of New Mexico

This official is supposed to be informed of all activities occurring

Defendants Culpability

within Guadalupe County involving breaches of law and should have known about the criminal Assaults and Batteries occurring against a specific class of individuals at G.C.C.F.

Lt. Gallegos is a citizen of New Mexico

Lt. Gallegos works as a supervisor when the captain, major, and wardens are unavailable. He was working in this capacity when he was ordered to move plaintiff from a secure location to an area that was known to be hostile and posed a significant risk to the health and well being of the plaintiff.

Lt. Ramo, Same as Lt. Gallegos

Lt. Rico, Same as Lt. Gallegos ( was the Lt. informed of the Major's actions and was unable to do anything with the informal complaints because the Major outranked him.)

Lt. Raybal, Same as Lt. Gallegos ( was responsible for escorting some of the injured victims, approved Disciplinary Action against anyone who refused to move to the dangerous areas.)

Lt. Vigil, Same as Lt. Gallegos ( worked as disciplinary officer and was aware of the injured inmates, including how and why the inmates were injured.)

(Male) Sgt. Rael, Same as Lt. Gallegos ( was aware of the danger and took the lead in making sure the reports did not contain incriminating information)

(Female) Sgt. Rael, Same as Lt. Gallegos, ( Now Prison Industry Supervisor) She

Defendant Culpability

tried to tell people about the problem and used incriminating information to blackmail and extort staff members.)

Sgt. Gold, was aware of and approved of the beatings, assaults, and batteries, often covering up the incidents. She was overheard saying that sex offenders deserve what they get from other inmates. (beatings) Sgt. Campos was aware that the victims should not have been in the Disciplinary Segregation, but took no action to report the matter.

M.J. Chavez is a citizen of New Mexico

Ms. M.J. Chavez has been a long time employee of G.C.C.F and was aware of the injuries and beatings but remained silent about it. She took no action to move the vulnerable inmates into protective custody

M. Chavez, Same as M.J. Chavez

Mr. Roybal, Same as M.J. Chavez, admitted that he would take no action to protect sex offenders.

Mrs. Stella Marquez, Same as Mr. Roybal, also interfered with Parole plans of sex offenders maliciously denying them opportunities to be paroled.

Ms. Jaramillo, Same as Mr. Roybal

Chaplain Bridges, Same as M.J. Chavez

This List of Defendants is nonexhaustive. Many more Defendants cannot be named due to restrictions placed on prisoner's attempting to obtain such information.

## C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I: Constitutional violation of my right to be free from cruel and unusual punishment including physical, emotional, and psychological harm.

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

See attached Papers.

B)(1) Count II: Violations of Fourth amendment right to be <sup>secure</sup> safe in their persons. I feared for my physical safety because I am unable to protect myself. I have injuries from a seizure. I wear a back brace and use a cane.

(2) Supporting Facts:

Major Aragon came on 1B Pod and announced that this pod is not a protective custody unit and all inmates will be moved to housing 2 C which places us in imminent harm of physical attack by inmates due to the nature of our charges.)

And anyone who refuses will be written up, placed in disciplinary seg. our good time taken, loss of commissary, and we would not be able to contact our family by phone, visits, or mail



C)(1) Count III: Violation of Constitutional Amendment V.  
... Nor shall any person be subject For the same offense ~  
to be twice put in jeopardy of life or limb, ~~or~~

(2) Supporting Facts:

Major Aragon with the approval of the warden's has made it a personal issue to force men to enter prison confines knowing that to do so would surely put men's lives in danger.

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

b) Name of court and docket number:

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

d) Issues raised: \_\_\_\_\_

Grounds Continued

Count IV Violation of the Fourteenth Amendment

... Nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Major Aragon, the warden's and unknown conspirators did conspire to put men's lives at risk (including my own) simply to inflict more punishment upon certain criminals by placing them in housing units where men have already suffered Great Bodily harm and possibly lost lives or limbs.

e) Approximate date of filing lawsuit: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☐ No ☒ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

We are not able to grieve the issue because Major Aragon out ranked the hearing officers.

#### E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief: A safe, secure facility that contains only our type of prisoners, programs, commissary and privileges the same as General population receives. A secure administrative Segregation unit at all prisons and jails in New Mexico for inmates who need protection. (Protective Custody) We are asking that Major Aragon be prosecuted criminally for his sadistic and cruel actions. We are asking that the wardens be held personally and officially liable for their actions or inactions while working at Guadalupe County Correctional Facility. We reserve the right to amend the complaint and requested relief as the investigation reveals all parties involved. We are requesting \$80 million from the New Mexico Corrections Department to build and staff a prison facility for sex offenders only. We are requesting \$1 million Dollars from The GeoGroup, Inc in damages. We are asking \$17 million from NMCD for ignoring our complaints and not taking action sooner.

~~Wilfred Canabal~~  
\_\_\_\_\_  
Signature of Attorney (if any)

Wilfred Canabal  
\_\_\_\_\_  
Signature of Petitioner

Attorney's full address and telephone number.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at Otero County Prison Facility on August 1 2016.  
(Location) (Date)

Wilfred Carabazal  
(Signature)

Plaintiff's Relief Request Continued

We are asking \$17 million dollars from the District Attorney's and Attorney General's office for failing to protect, for failing to provide equal protection of the law, for failing to investigate our claims and prosecute the guilty parties.

We are requesting \$1 million dollars from each of the defendants because they were in the position to prevent and correct the illegal actions and chose not to. (Respondent Supervisor Applies)

Warden E. Bravo, personal and official Capacities  
Associate Warden R. Ulibarri, personal and official Capacities  
Associate Warden J. Johnson, personal and official Capacities  
Major G. Morris, personal and official Capacities  
Major P. Aragon, personal and official Capacities  
Deputy Director J. Booker, personal and official capacities  
Contract Monitor G. Chavez, personal and official Capacities  
Lt. Raybal, personal and official Capacities  
Sgt. Rael, (male) personal and official Capacities  
Sgt. Rael, (female) personal and official Capacities  
Sgt. Gold, Personal and official Capacities  
M.J. Chavez, Personal and official Capacities  
Mr. Raybal, Personal and official Capacities  
Mrs. Stella Marquez, Personal and official Capacities

We are asking \$700,000 for the following Defendants in

Plaintiffs Relief Request Continued

Their official capacity only unless further culpability is found during the investigation.

Secretary of Corrections Gregg Marcantel  
Director of Adult Prisons (Name Unknown)

Lt. Gallegos

Lt. Romo

Lt. Rico

Lt. Vigil

Lt. Vigil

We are asking \$350,000 from each of the following defendants because they were aware of the problems and took no action to report the abuse or prevent it.

Case Manager Campos

Case Manager Ms. Jaramillo

Chaplain Bridges (she worked as a case manager before becoming chaplain)

Wilfred Carabaja 1 78025  
OCPF EC-34  
10 McGregor Range Rd  
Chaparral, NM 88081

Legal Mail

RECEIVED  
At Albuquerque NM

AUG 04 2016

MATTHEW J. DYKMAN  
CLERK

U.S. District Court  
333 Lomas Blvd, NW Suite 270  
Albuquerque, NM 87102



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